

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Alliance for Utility Safety and
Education,

Complainant,

vs.

San Diego Gas and Electric Company, and The
City of San Diego,

Defendants.

Case 04-12-012
(Filed December 20, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION TO DISMISS**

This complaint about the undergrounding of a transmission line in San Diego names as defendants both San Diego Gas & Electric Company (SDG&E) and the City of San Diego (City). The City filed a motion to dismiss the complaint as to the City on February 17, 2005, arguing that the Commission did not have jurisdiction over it. Complainant California Alliance for Utility Safety and Education (CAUSE) filed an opposition on February 24, 2005. With leave of the Administrative Law Judge, the City filed a reply on March 4, 2005.

Complaint proceedings are governed by statute, principally Pub. Util. Code § 1702. That section authorizes complaints to be made against “any public utility.” The City is not a public utility. The complaint may therefore not be

pursued against the City. The motion to dismiss should be granted.¹ The granting of the City's motion is not intended to, and should not be construed to, express any view on the merits of the complaint as to SDG&E.

IT IS RULED that the City's Motion to Dismiss Complaint as to City of San Diego is GRANTED.

Dated April 6, 2005, at San Francisco, California.

/s/ ANNE E. SIMON

Anne E. Simon
Administrative Law Judge

¹ The City may, if it wishes to participate in this matter in another capacity, indicate its interest by separate motion.

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to Dismiss on all parties of record in this proceeding or their attorneys of record.

Dated April 6, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

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